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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,121	11/12/2003	Larry R. Pulkrabek	59516-297217	6227
25764	7590	08/05/2005	EXAMINER	
FAEGRE & BENSON LLP PATENT DOCKETING 2200 WELLS FARGO CENTER MINNEAPOLIS, MN 55402			GRAHAM, MARK S	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,121

Applicant(s)

PULKRABEK, LARRY R.

Examiner

Mark S. Graham

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 9, 13, 16, 17, 19-22, 30, 31, 37-39, 43, 45, 49, 51, 52 and 54-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-64 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/10/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claims 16 and 51 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 16 and 51 do not further limit the claims on which they are dependent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pulkrabek in view of Desai. Pulkrabek makes clear at Col. 3, last paragraph that various materials may be used as the covering layer and that they should be weather resistant. Foamed plastic sheeting is such a material. Desai discloses a typical example. It would have been obvious to one of ordinary skill in the art in forming Pulkrabek's foam target to also have used foamed plastic sheeting possessing the same properties as the other elements of the foam target. The sides of Pulkrabek's device may be considered the target faces. As such Pulkrabek's device comprises the claimed structure and may be used in the same manner. The claim recites "encapsulating at least side edges to comprise the target face." Pulkrabek's covering encapsulates these edges as claimed. Regarding the "compressive force" limitation, a covering as described by Pulkrabek will apply at least a minimal amount of compressive force.

Claims 1, 2, 6, 9, 13, 16, 17, 19, 20, 21, 22, 30, 31, 38, 39, 43, 45, 49, 51, 52, 54, 55, 56, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pulkrabek in view of

Art Unit: 3711

Desai and Croll '585. Pulkrabek discloses the claimed device with the exception of the covering layer claimed. However, as disclosed by Croll it is known in the art to provide a target such as disclosed by Pulkrabek with an cover 52 bonded to the sided edges of the target elements. It would have been obvious to one of ordinary skill in the art to have provided Pulkrabek's target with such a cover as well to present a smooth contiguous target surface to the archer. Regarding the material out of which the covering is made, Pulkrabek makes clear at Col. 3, last paragraph that various materials may be used as the covering layer and that they should be weather resistant. Foamed plastic sheeting is such a material. Desai discloses a typical example. It would have been obvious to one of ordinary skill in the art in forming Pulkrabek's foam target to also have used foamed plastic sheeting possessing the same properties as the other elements of the foam target. The sides of Pulkrabek's device may be considered the target faces. As such Pulkrabek's device comprises the claimed structure and may be used in the same manner. The claim recites "encapsulating at least side edges to comprise the target face." Pulkrabek's covering encapsulates these edges as claimed. Regarding the "compressive force" limitation, a covering as described by Pulkrabek will apply at least a minimal amount of compressive force.

Concerning claims 17, 22, 52, and 57, foamed plastic sheeting will inherently possess these properties.

Regarding claims 19, 20, 54, and 55, Croll does not disclose the thickness of his covering layer. However, absent a showing of unexpected results the exact thickness would obviously have been up to the ordinarily skilled artisan depending on the durability desired.

With regard to claim 31, the examiner took official notice that indicia is commonly applied to the face of targets for its inherent purpose. Such is now admitted prior art.

Art Unit: 3711

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 571-272-4410.

MSG
8/1/05

A handwritten signature in black ink, appearing to be 'M. S. Graham', is positioned to the left of the printed name.

Mark S. Graham
Primary Examiner
Art Unit 3711